ORDER RECEIVED FOR FILING
Date

(VOX)
By

IN RE: PETITION FOR SPECIAL EXCEPTION

N/S Seminary Avenue, 148' E of

Bellona Avenue

(130 W. Seminary Avenue) 8th Election District 4th Councilmanic District

Church of the Holy Comforter

Petitioner

\* BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 95-181-X

\*

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 130 West Seminary Avenue in the Lutherville area of Baltimore County. The Petition was filed by the owner of the property, Church of the Holy Comforter, by Janice E. Gordon, Rector, through their attorney, William C. C. Barnes, Esquire. The Petitioner seeks a special exception to permit a freestanding columbarium on the subject property, as more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Thomas D. and Jackie J. Graff, Barbara M. Bull, Pete Hartman, Braxton D. Mitchell, and Royal W. Craig, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of approximately 5 acres, zoned D.R.2, and is improved with a chapel and other accessory church buildings, a two-story stucco dwelling and a two-car garage. The Petitioner is desirous of constructing a free-standing columbarium on the subject property in the area depicted on Petitioner's Exhibit 1 and as shown in a computer-generated photograph of the subject site. Testimony indicated that many of the parishioners have expressed a desire to have their remains stored in perpetuity on the prem-

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By

ises and a columbarium is specifically designed to store the ashes of those who wish to be cremated. A drawing depicting the actual design and size of the proposed columbarium was introduced as Petitioner's Exhibit 2. The proposed facility will be approximately 4'2" high and 4'3" wide and capable of holding the ashes of 64 individuals. As evidenced by the drawings submitted, the proposed columbarium is both attractive in design and fits nicely into the landscape of the subject site. Due to its compact size and unique design, the proposed columbarium will not overburden the property and is proposed to be located in an area that will pose no adverse effect upon the surrounding locale. In the opinion of this Deputy Zoning Commissioner, the relief requested should be granted.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone.

Schultz v. Pritts, 432 A.2d 1319 (1981).

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By

By

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Aday of December, 1994 that the Petition for Special Exception to permit a freestanding columbarium on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

THE STATE OF STREET

#### Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

December 28, 1994

William C. C. Barnes, Esquire 28 W. Susquehanna Avenue Baltimore, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION

N/S Seminary Avenue, 148' E of Bellona Avenue

(130 W. Seminary Avenue)

8th Election District - 4th Councilmanic District
Church of the Holy Comforter - Petitioner

Case No. 95-181-X

Dear Mr. Barnes:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Royal W. Craig, Esquire 2107 Highland Ridge Drive, Phoenix, Md. 2113

People's Counsel

File

WICKOFILMEL



# Petition for Special Exception 95-186-X to the Zoning Commissioner of Baltimore County

for the property located at

130 W. Seminary Ave. - Lutherville, Md. 21093

which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Free Standing Columbarium

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and

are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee	Legal Owner(s): Church of the Holy Comforter
	Janice E. Gordon - Rector
(Type or Print Name)	(Type or Print Name)  Varice Gordon*
Signature	Signature
Address	(Type or Print Name)
City State Zipcode	Signature
	130 W. Seminary Ave SAME AS BELO
Attorney for Petitioner	Lutherville, Md. 21093
Prope or Print Name) WILL, MM G(. BARNES	City State Zipcode Name, Address and phone number of representative to be contacted.
	Pete Hartman
29 W. Susquehanne 828-1050	<sup>Name</sup> 130 W. Seminary Ave 410-252-2711
	Aridress Phone No.
Rations Park MD 2(204)	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING unavailable for Hearing
June Administration of the Contract of the Con	the following dates Next Two Months
*	ALLOTHER
ex i	HEVIEWED BY:DATE
	MICROFILMED

177

GORDON T. LANGDON
DENNIS M. MILLER
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL

Registered Professional Land Surveyors

SUITE 100 920 EAST TOWSONTOWN BOULEVARD TOWSON, MARYLAND 21286-5318

> 410-823-4470 FAX 410-823-4473

October 5, 1994

EMERITUS

PAUL G. DOLLENBERG FRED H. DOLLENBERG CARL L. GERHOLD PHILIP K. CROSS OF COUNSEL JOHN F. ETZEL

WILLIAM G. ULRICH

95-181-X

#### ZONING DESCRIPTION

Beginning for the same at a point the two following lines from the intersection of the centerline of Bellona Avenue with the centerline of Seminary Avenue, viz: Easterly, on the centerline of Seminary Avenue, 310 feet, more or less, and North 14 degrees 00 minutes East 102 feet and running thence North 14 degrees 00 minutes East, binding on the east wall of the existing brick church 70 feet, South 76 degrees 00 minutes East 45 feet, South 14 degrees 00 minutes West 70 feet and North 76 degrees 00 minutes West 45 feet to the place of beginning.

Containing 3150 square feet of land.

Being part of the land of the Petitioner herein.



## ZONING DEPARTMENT OF BALTIMORE COUNTY CERTIFICATE OF POSTING

#### Townen, Maryland

District	Date of Posting 19/18/94
Posted for: Spacial Excap	10.4
Politioner: Church at The	Holy Com Fortor
Petitioner: Church of The Location of property: 130. W. Se.	mining Arm
Location of Signa: Facing wood wa	ou to some son the board
	p. C. St fr Conglish of the conglish of
Remarks: 10 80/p	
Posted by Signature	Date of return: 11/28/94
Number of Signs:	

#### NOTICE OF HEARING

The Zoning Commissioner of Ballimore County, by authority of the Zoning Act and Regulations of Ballimore County with hold a Double hearing on the property dentined herein in Room 106 of the County Office

Building located at 11. W. Cheapeaks Avenus in Towson, Maryland 2204 or Room 118. Old Courthouse, 400. Washington Avenus, Towson, Maryland 21204 as follows:

Case Number:
95-181-X (hem 177)
130 W. Seminary Avenue
NS Seminary Avenue; 310'
E of Belloria Avenue
8th Election District
4th Councilimanio
Legal Owner(s):
Church of the
Holy Comforter
HEARING: WEDNESDAY,
DECEMBER 14, 1994 at
9:00 a.m. in Rm. 118, Old

Special Exceptions for a free-standing columbarium.

Courthouse.

AWRENCE E SCHMIDT, Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped accessible; for special accommodations Riesse Call 887-3353

(2)For Information concerning the File and/or Hearing, Please Call 887-3391.

11/278 November 24,

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 25, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive

weeks, the first publication appearing on

THE JEFFERSONIAN.

a. Henriksar LEGAL AD. TOWSON

The state of the s



Ballimore Count: Zoning Administration & **Development Management** 

111 West Chesapeake Avenue Towson, Maryland 21204

199991 95-181-X

Account: R-001-6150

Number / 7 7 By VLL.

SP. EXECPTION
1 SION POSTING

CODE 050 \$ 35.00

CODE 080 \$ 35.00

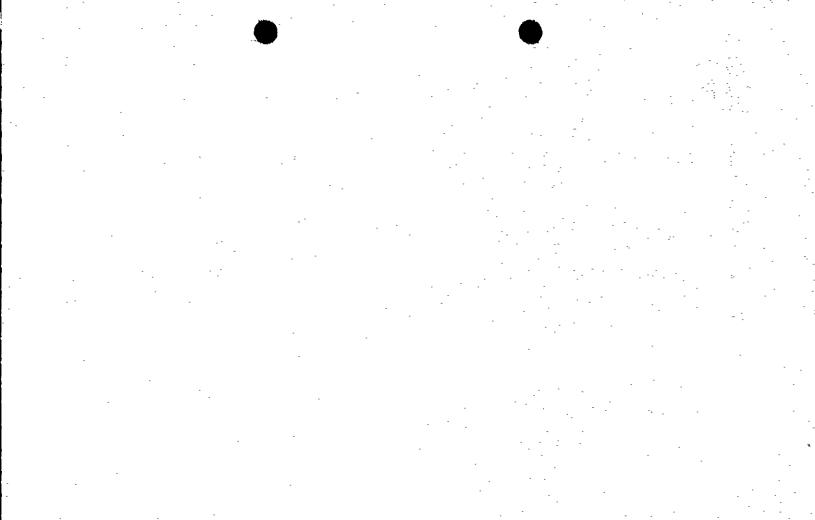
MICROFILM MICROFILMED

Owner Church of the Holy Conforter. Loc. 130 w. Semmany DUE.

02A0280243MTCHRC

\$335,00

BA CO10:38AM11-10-94 Please Make Checks Payable To: Baltimore County





111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that hotice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

AJ:ggs

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

  NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

(Revised 04/09/93)

:	no en un de que que en
For newspaper advertising:	No. of State
Item No.: 177	· · · · · · · · · · · · · · · · · · ·
Petitioner: Church of the Holy Comforter	
Location: 130 W. Seminary Ave. Lutherville	
PLEASE FORWARD ADVERTISING BILL TO:	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
NAME: M. T. Foster Tréasurer	
ADDRESS: 130 W. Seminary Ave.	بولمار برق برای از این از ا
Lutherville MD 21093.	
PHONE NUMBER: 8 252-2711	
;	MICROFILME

TO: PUTUXENT PUBLISHING COMPANY

November 24, 1994 Issue - Jeffersonian

Please foward billing to:

Church of the Holy Comforter 130 W. Seminary Avenue Lutherville, Marylamd 21093 ATTN: M. T. FOSTER, TREASURER 252-2711

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

O

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-181-X (Item 177)

130 W. Seminary Avenue

N/S Seminary Avenue, 310' E of Bellona Avenue 8th Election District - 4th Councilmanic Legal Owner(s): Church of the Holy Comforter

HEARING: WEDNESDAY, DECEMBER 14, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a free-standing columbarium.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
  - (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

#### **Baltimore County Government** Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

NOVEMBER 17, 1994

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-181-X (Item 177)

130 W. Seminary Avenue

N/S Seminary Avenue, 310 E of Bellona Avenue

8th Election District - 4th Councilmanic Legal Owner(s): Church of the Holy Comforter

HEARING: WEDNESDAY, DECEMBER 14, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a free-standing columbarium.

Arnold Jablon Director

Church of the Holy Comforter CC: William C. C. Barnes, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

#### Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

DEC. 0 7 1994

Mr. William C. C. Barnes 28 W. Susquehanna Ave, 6th fl Towson, Maryland 21204

RE: Item Number:177

Case Number:95-181-X

Petitioner: Janice E. Gordon

Dear Mr. Barnes:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Zoning Administration and Development Management (ZADM), Development Control, on November 10, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file

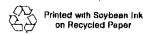
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce N. Watson in the zoning office (887-3391).

W. Carl Richards, Jr. Zoning Supervisor

Usingerely Richard

WCR/jnw Enclosure(s)

Soft of the many a



## BALTIMORE COUNTY, MARY AND

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

T0:

ZADM

FROM:

DEPRM

Development Coordination

SUBJECT:

Zoning Advisory Committee Agenda: ///21/94

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 175 176 177

LS:sp

LETTY2/DEPRM/TXTSBP

#### Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 11/17/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Faltimore County Office Puilding
Towson, MD 21204
FAIL STOF-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 21, 1974

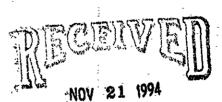
Item No.: SEE BELOW

- Zoning Agendas

Contlemens

Fursuant to your request, the referenced property has been surveyed by this Eureau and the comments below are applicable and required to be cornected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has ro commonts at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 172, 174, 175, 176 AND 177



ZADM

REVIEWER: LT. ROBERT P. SALERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



O. James Lighthizer Secretary Hal Kassoff Administrator

11-19-94 Baltimore County
Item No.: + 177 (JLL)

Ms. Julie Winiarski Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204 ATTENTION: MS. JOYCE WATSON

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Re:

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief Engineering Access Permits

BS/

My telephone number is \_\_\_

White and the state of the

## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Nov. 28, 1994
/ Zoning Administration and Development Management

Robert W. Bowling, P.E., Chief Pevelopers Engineering Section

RE: Zoning Adylsory Committee Meeting for November 28, 1994
Item No./177

The Developers Engineering Section has reviewed the subject zoning item. Future development of the site will be subject to the Baltimore County Landscape Manual.

RWB:sw

Colors of the state

### BALT MORE COUNTY, MAR AND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon. Director Zoning Administration & Development Management

FROM: Pat Keller, Director

Office of Planning and Zoning

DATE: November 18, 1994

SUBJECT: Below listed cases

In reference to the following cases, staff offers no comment:

Item Nos. 161, 166, 172, 173, 175, 176, 177

If there should be any questions, please contact Jeffrey Long at 887-3480.

Prepared by:

Division Chief:

PK/JL

MICROFILMEN

				EXCEPT: /S Semin		*	F	BEFORE T	HE	
Avent	ie, 310'	E of E	Bellona	Avenue	, 8th	*	2	ONING C	OMMISS	SIONER
				ilmanic		*	C	F BALTI	MORE C	YT'NUO
Churc	h of th Petitio	ne Holy oners	Comfor	ter		*	c	CASE NO.	95-18	31-X
*	*	*	*	*	*	*	*	*	*	*

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

ule S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of December, 1994, a copy of the foregoing Entry of Appearance was mailed to William Barnes, Esquire, 28 W. Susquehanna Avenue, Towson, MD 21204, attorney for Petitioner.

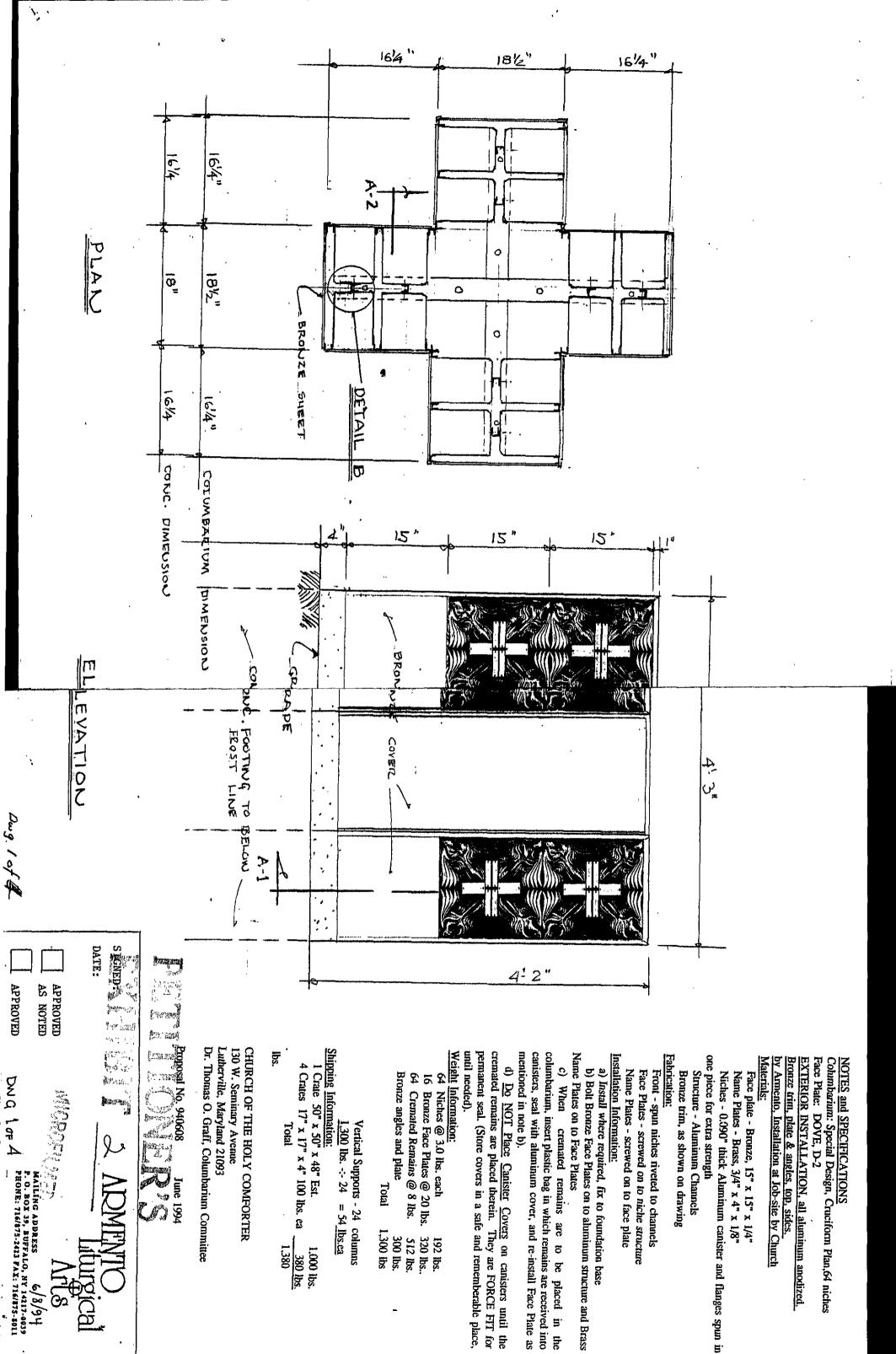
Peter Max Zimmerman

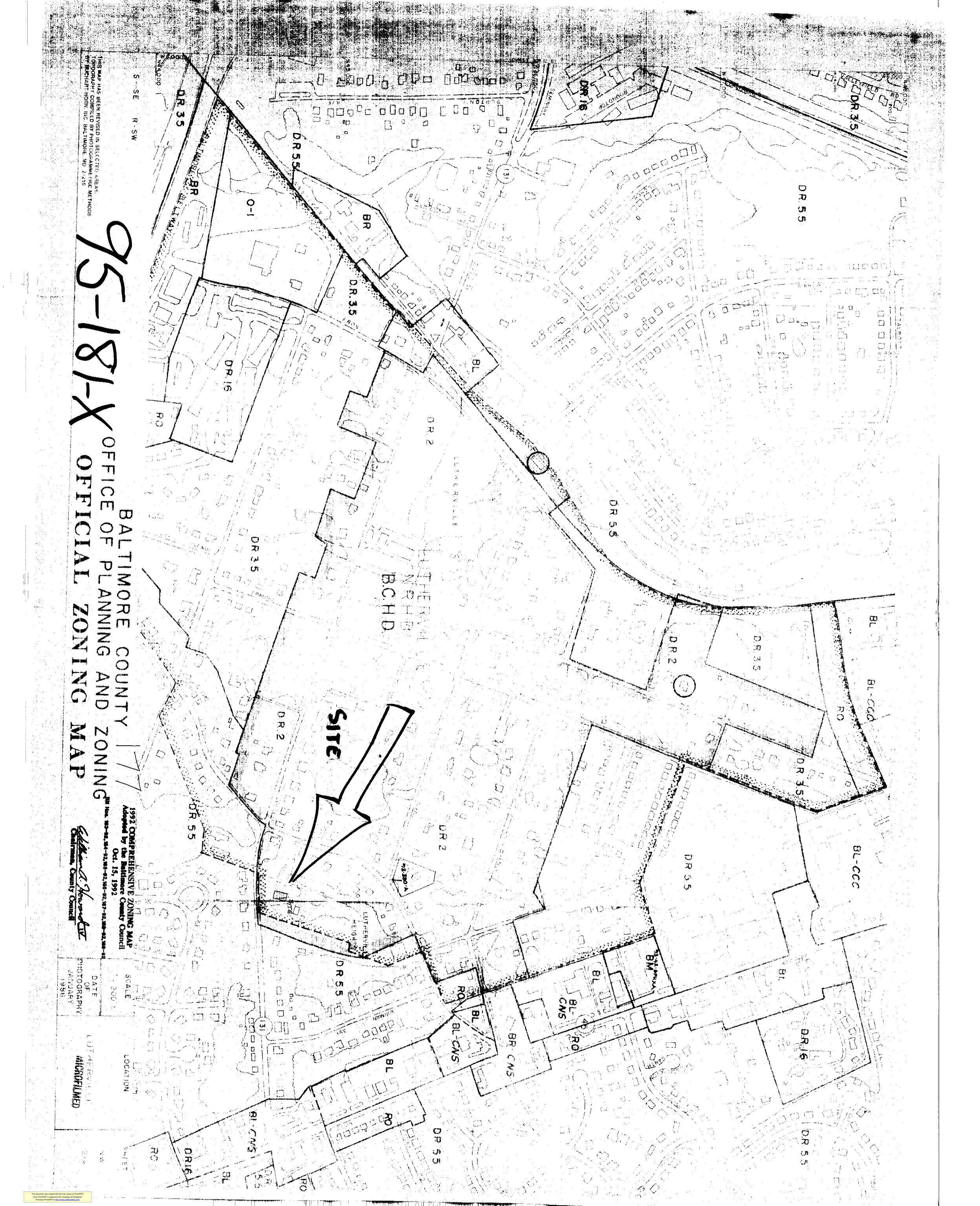
177 JLL. 10/11/94. Rensens on Ceoy on plans by 4. PM. Toolug and Chillian

#### PLEASE PRINT CLEARLY

#### PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Royal W. Conia	2107 Highland Rodge DC
THOMAS D. GRAFA	Phoen (x) Md. 2171
VACKIE J. GRAFF	917 Jamieson Rd Luthervelle and 21093
Zarbara M Bull	22 Alicever Ct Timonium 2109
Rela-Harlman	13007 Gent Rd. 21636
Braxton D Mitchell	1720 Ruxton Road 21204
D. raxion D'y Ichtil	1120 NOXION MOAC 21204.
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CHURCH OF THE HOLY COMFORTER 10-15 T YOUR JE GRAMAN ES E. HOWARD JR. R. BBB-1914-603.R.R. GERHOLD MICROFILMED ENKA, WSEIT- HILL & A. R. C. M. +248-154 SEWER # (5 !! //2 575 P.R. 5'WELLING N 45,500 SEMINARY Q,

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